

**APPELLANT'S SUPPLEMENTAL
SUBMISSION
37 CFR §1.192**

Docket No. M1025/7004

Applicant: Giorgio Trani and Marion Sterner
Serial No: 09/678,008
Filed: October 3, 2000
For: CONTAINER WITH INHERENTLY STABLE BASE MADE OF FLEXIBLE
MATERIAL AND METHOD FOR MANUFACTURING IT
Examiner: Sameh H. Tawfik
Art Unit: 3721

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Assistant Commissioner for Patents, Board of Patent Appeals and Interferences, Washington, DC 20231 on July 7, 2005.

Beverly Strasnick
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Assistant Commissioner for Patents
Board of Patent Appeals and Interferences
Washington, D.C. 20231

This Supplemental Submission is in furtherance of the Notice of Appeal filed in the above referenced application.

This Reply Brief is transmitted in triplicate.

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I. SUPPLEMENTAL INFORMATION (37 C.F.R. 1.192(c)(8))

A. Videos, Illustrations, Physical Specimens Showing Applicant's Present Invention Versus The Primary Schneider Reference

For ease of illustration, Applicants submit herewith a CD showing a comparison of Applicant's (BP Europak) present invention and the primary reference Schneider reference.

Also included herewith are actual samples of products produced according to the present invention and according to the Schneider reference's disclosure.

Also included herewith are comparison illustrations in color of the process according to the present invention and the process according to the Schneider reference.

B. The Schneider Disclosure Does Not Anticipate or Render Obvious

At page 2, column 1, lines 11-15, 23-24, the Schneider disclosure recites that random folds are created which, being thermally formed, confer rigidity and stability to the product (container). The Schneider's folds, their purpose and method of formation do not anticipate or render the present invention obvious at least because their orientation and relative disposition are intentionally distinct from any arguably comparable folds that are formed according to the present invention.

Similarly intentionally distinct, Schneider's folds are said to be disposed/arranged along two opposite sides to the base at page 3, column 1, lines 20-31.

Similarly intentionally distinct, Schneider's description at page 4, column 1, lines 7-15, 20-33, 44-47, 55-59 and 68-70 is contrary to Applicant's invention where Schneider's container is first filled with product, the volume of which serves to open the bottom.

Lastly, opposite the method of the present invention, Schneider's triangular folds (37) are formed in a horizontal plane, i.e. in the same plane in which the base of the container is disposed. This plane is perpendicular to the plane that crosses the closure seal of the bottom before the seal is folded. A 180 degree rotation is required to fold the folds 37 under the base of the container.

In the present invention, the triangles 15 are disposed in a plane that is parallel to the plane that crossed the closure seal of the bottom and are provided by the sealing of a triangular portion of the front of the container with a triangular portion of the back of the portion.

CONCLUSION

For the reasons stated above, it is respectfully requested that the examiner's rejection of claims 5-13 of the present application be reversed and that the present application be allowed for issuance.

Respectfully submitted,

A handwritten signature in cursive script, reading "M. Lawrence Oliverio". The signature is written in dark ink and is positioned above a horizontal line.

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Date: July 7, 2005

IX APPENDIX OF CLAIMS (37 C.F.R. 1.192(c)(9))

The text of the claims involved in the appeal are:

- 1 5. A method for manufacturing an inherently stable container made of flexible material,
2 comprising the following steps:
 - 3 a) folding a continuous film of flexible material of appropriate width, to obtain a
4 pouch having a longitudinal heat-seal and evenly spaced transverse heat-seals, followed by
5 cropping the folded film in a direction transverse to the longitudinal heat seal;
 - 6 b) heat-sealing in sides of the pouch, at a region of the transverse heat-seals,
7 forming two triangles having wings laterally disposed relative to the longitudinal heat-seal;
 - 8 c) punch opening said pouch, and optionally filling the pouch with a product;
 - 9 d) folding and bonding the wings laterally relative to the longitudinal heat-seal and,
10 after filling the pouch, simultaneously with the bonding of the wings, heat-sealing an upper open
11 mouth of the pouch.
- 1 6. The method of claim 5, wherein in the first step the film is folded so as to form the pouch,
2 which is closed longitudinally by heat-sealing overlapping flaps of said film, said heat-sealing
3 being preferably located at a center of one of two flat faces of said pouch.
- 1 7. The method of claim 5, wherein a longitudinal dimension of the pouch is determined by
2 way of transverse heat-seals.

1 8. The method of claim 6, wherein the heat-sealing of the triangles comprises heat-sealing
2 of two overlapping sheets of flexible material that constitute said pouch so as to form at the
3 base, said two triangles with vertex wedging inside said pouch.

1 9. The method of claim 5, further comprising forming ribs during the step for forming the
2 heat-sealed triangles, said ribs being adapted to facilitate, by guided deformation, opening of
3 the pouch at filling.

1 10. The method of claim 9, wherein during filling of the pouch with product a substantially flat
2 base forms, while said wings formed due to the heat-sealed triangles protrude laterally beyond
3 said base.

1 11. The method of claim 10, wherein following said filling step said wings are folded toward
2 the container and are retained thereon.

1 12. The method of claim 5, comprising insertion of the heat-sealed triangles inside the
2 container by way of pushing means which push said triangles from the outside inward.

1 13. A method for manufacturing an inherently stable container made of flexible material,
2 comprising the steps of:

3 a) folding a continuous film of flexible material of appropriate width, to obtain a
4 pouch having a longitudinal heat-seal and evenly spaced transverse heat-seals, followed by
5 cropping the folded film in a direction transverse of the longitudinal heat-seal ;

6 b) heat-sealing two triangles having wings into sides of the pouch lateral to the
7 longitudinal heat-seal, each of the triangles having a base which coincides with one edge of the

- 8 pouch and a vertex which wedges inwards said pouch lateral to the longitudinal heat-seal punch
- 9 opening said pouch, and optionally filling the pouch with a product folding and bonding the
- 10 wings onto the triangles.